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Crisis Management and Business Continuity E-News

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CRISIS MANAGEMENT STANDARD OF CARE: WHAT'S EXPECTED?

Crises can bring out the best or the worst in people, including corporate officers, directors and employees. If disaster should strike your business, will your representatives meet the expected legal standard of care?

The National Standard on Disaster/Emergency Management and Business Continuity Programs (NFPA 1600) is recommended as "the standard of care" for businesses (both public and private) to their employees and the general public. This standard has been endorsed by the U.S. Congress, ANSI, the 9/11 Commission and the U.S. Department of Homeland Security. The purpose of the standard is to provide those charged with the responsibility for disaster and emergency management and business-continuity programs the criteria to assess current programs or to develop, implement and maintain new programs to prepare for, respond to, mitigate, and recover from disasters and emergencies.

The standard requires the following of a disaster-management program:

- development of a strategic plan, an emergency operations/response plan, a mitigation plan, a recovery plan and a continuity of operations plan;
- identification of hazards, the likelihood of their occurrence and the vulnerability of people, property, the environment and the business itself to those hazards, as well as the implementation of a strategy to eliminate or mitigate the effects of hazards;
- identification of the means by which disaster response will be directed, controlled and coordinated, including communications and warnings, logistics and facilities, training, and finance and administration procedures for the program; and
- compliance with applicable laws, regulations, policies and industry codes of practice.

Businesses preparing for a crisis should review and apply this standard in their disaster preparations. Their employees should be trained to meet this standard because an employer can be liable for the damage or injury caused by the negligence of its employees. Implementing a well-documented disaster-management plan in line with NFPA 1600 will not only help businesses deal with disasters, it may also help mitigate potential post-disaster liability.

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The Crisis Management and Business Continuity E-Newsletter is an electronic publication of the law firm of Reinhart Boerner Van Deuren s.c. and is prepared by attorneys on the firm's Crisis Management and Business Continuity Team. This publication is intended to afford timely notice to our clients and friends of current events in crisis management and business continuity and to provide general information about crisis management and business continuity issues. It is not intended, nor should it be used, as a substitute for specific legal advice regarding particular factual situations.



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